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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 20th January 1964

G.S.R. 135.—In exercise of the powers conferred by section 3 of the Defence of India Act, 1962 (51 of 1962), the Central Government hereby makes the following rules further to amend the Defence of India Rules, 1962 (published with notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1465, dated the 5th November, 1962), namely:—

1. These rules may be called the Defence of India (Amendment) Rules, 1964.

2. For rule 52 of the Defence of India Rules, 1962 (hereinafter referred to as the said rules), the following rule shall be substituted, namely:—

“52. Restriction of publication of information relating to certain undertakings.—

(1) If the Central Government is of opinion that it is necessary or expedient so to do for securing the defence of India and civil defence, the public safety, the maintenance of public order or the efficient conduct of military operations or for maintaining supplies and services essential to the life of the community, it may, by order, declare any information in respect of any undertaking or class of undertakings specified therein as “restricted information” for the purposes of this rule.

(2) No person or authority whatsoever (including Government) shall publish, or cause or allow to be published, any restricted information, or any document containing such information, or any copy of such document or extract therefrom.

(3) If any restricted information is required, by or under any law for the time being in force, to be published or disclosed, such requirement shall be deemed to have been complied with on the person or authority concerned producing or laying a copy of the order under sub-rule (1) before the person or authority to whom such publication or disclosure is to be made.

(4) Nothing contained in the foregoing provisions of this rule shall, unless the Central Government by general or special order otherwise directs, be deemed—

(a) to relieve any person carrying on an undertaking to which an order under sub-rule (1) applies from any obligation to furnish to Government or to any Government authority the restricted information, or any document containing such information, or any copy of such document, copy of extract as aforesaid, to—

(b) to prohibit the publication of the restricted information, or any such document, copy or extract as aforesaid, to—

(i) Government;

- (ii) any Government authority or local authority;
- (iii) the members of a local authority where the undertaking is carried on by the local authority;
- (iv) the directors or managing agents of a company where the undertaking is carried on by the company;
- (v) the auditors of the accounts of the undertaking;
- (vi) such other persons or authorities (including courts and tribunals) and on such conditions, or in such circumstances, as may be specified by the Central Government.

(5) Where publication is made under the provisions of sub-rule (4) to the members of a local authority or to the directors or managing agents of a company, such publication shall be made only if the restricted information, document, copy or extract is clearly marked with a statement that it is confidential and not to be published to any person other than another member of the local authority or another director or where the managing agent is a firm and the publication has been made to a partner of the firm, any other partner of the firm and where the managing agent is a company and the publication has been made to a director of the managing agency company, any other director thereof.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with fine which may extend to one thousand rupees."

3. After rule 132 of the said rules, the following rule shall be inserted, namely:—

"132-A. *Prohibition of dealings in foreign exchange.*—(1) In this rule—

- (i) the expression "authorised dealer" and "foreign exchange" have the same meanings as in the Foreign Exchange Regulation Act, 1947 (7 of 1947);
- (ii) "public place" includes any public conveyance, any hotel, any shop or any other place intended for use by, or accessible to, the public.

(2) No person other than an authorised dealer shall buy or otherwise acquire or borrow from, or sell or otherwise transfer or lend to, or exchange with, any person not being an authorised dealer, any foreign exchange.

(3) If any person is found or is proved to have been in possession of any foreign exchange, the burden of proving that the foreign exchange came into his possession lawfully shall be on him.

(4) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both; and any court trying such contravention may direct that the foreign exchange in respect of which the court is satisfied that this rule has been contravened, shall be forfeited to the Central Government.

(5) Any police officer not below the rank of Inspector of Police, any officer of the Central Excise not below the rank of Deputy Superintendent, any officer of the Central Customs not below the rank of Preventive Inspector, any officer of the Directorate of Enforcement not below the rank of Enforcement Officer, or any other officer of the Central Government or a State Government authorised by the Central Government in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit a contravention of this rule.

(6) Where any person is arrested by an officer other than a police officer, such officer shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case, or before the officer in charge of a police station.

(7) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, subject to the provisions of this rule, apply, so far as may be, in relation to any entry, search or arrest, made under this rule.

(8) Notwithstanding the provisions of rule 154, no court or tribunal shall take cognizance of any offence under this rule except on a complaint being made by an officer of the Directorate of Enforcement not below the rank of Enforcement Officer."

4. For rule 136 of the said rules, the following rule shall be substituted, namely:—

"136. Protection of privileges and immunities of diplomatic missions, consular posts and United Nations and its Specialised Agencies.—Nothing contained in these rules shall affect the privileges and immunities of diplomatic missions, consular posts and offices of the United Nations and its Specialised Agencies in India in respect of—

- (i) the premises of such missions, posts and offices and the residences of diplomatic agents, consular officers and officials of the United Nations and its Specialised Agencies;*
- (ii) the inviolability of mail bags and pouches addressed to the aforesaid missions, posts and offices and in general the right of free communication on the part of diplomatic missions and consular posts with their sending Governments, and offices of the United Nations and its Specialised Agencies for all official purposes, including the use of couriers and messages in code or cypher;*
- (iii) the establishment and operation of two-way wireless transmission facilities where prior permission of the Government of India has been obtained."*

[No. F.3/11/63-PolI (Spl)]

HARI SHARMA, Addl. Secy.

